

REGULAR MEETING

October 13, 2008

The Regular Meeting of the Annapolis City Council was held on October 13, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:33 p.m.

Present on Roll Call: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Arnett

Absent on Roll: Alderman Shropshire

Staff Present: Acting Assistant City Attorney Kling, Legislative and Policy Analyst Zirkle

Presentations

Henry Gonzal, Vice President, U.S. Lighthouse Society and manager of the lighthouse spoke on behalf of the Thomas Point Shoal Lighthouse and requested permission to display the Thomas Point Lighthouse in City Hall.

- Alderman Stankivic moved to approve the Journal of Proceedings for the Regular Meeting September 8, 2008, Special/Closed Meeting September 22, 2008 and the Special Meeting September 22, 2008. Seconded. CARRIED on voice vote.

Closed Session

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a)(7) this statement is included in these minutes:

A closed session of the City Council was held at 5:51 p.m., Monday, September 22, 2008 in the City Council Chamber.

*Present: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Shropshire, Arnett
Alderman Stankivic arrived at 5:57 p.m.*

Staff Present: Acting City Attorney Williams, Acting Assistant City Attorney Kling, Central Service Director Schuetz, Finance Director Elliott, City Clerk Watkins-Eldridge, Central Services Administrator Lee, Jonathan P. Kagan, Esq., Rignal W. Balwin, Jr., Esq., Jeffrey P. Bowman, Esq

By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(7). The purpose of the meeting was to consult with counsel to obtain legal advice on a legal matter regarding the Market house. Following discussion there was no action taken.

PETITIONS, REPORTS AND COMMUNICATIONS

Nick Pastermack, 128 Main Street, Annapolis, Maryland 21401 representing Kilwins Chocolates, Fudge and Ice Cream thanked the Mayor and Alderman for contributing to the success of their business

Karen Jennings, 16 Brewer Avenue, Annapolis, Maryland 21401 spoke in opposition to O-11-08

Arthur Kungle, P.O. Box 365, Annapolis, Maryland 21404-0365 spoke on history of City Hall and the Church Circle Post Office, Anne Arundel County Bus System, cell phone usage, Article 40 of the Maryland Declaration of Rights and other various issues

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 thanked the City Council for the Farmers Market, Boat Show spoke on the Thomas Point Shoal Lighthouse, slot machines, and in opposition to O-11-08, O-23-08 and R-42-08

CHARTER AMENDMENT

CA-01-08 For the purpose of clarifying the role of the Mayor as chief executive officer and the City Administrator as chief administrative officer; enhancing the supervisory powers of City Administrator with respect to departmental directors; barring the Mayor and Aldermen from directing the work of departmental directors; providing that the dismissal of the City Administrator must be approved by the mayor and four or more aldermen; requiring the Mayor to include funding in the annual operating budget to provide professional and administrative assistance to the aldermen; and generally relating to the powers and duties of the elected and appointed officials.

There being no voice objection, CA-01-08 was postponed.

CA-03-08 For the purpose of amending the Charter of the City of Annapolis to establish the office of City Manager; establishing the prerequisite qualifications of the City Manager; providing for the appointment and termination of the City Manager; specifying the powers and duties of the City Manager; providing for the non-interference by the Mayor and Aldermen with the City Manager in the performance of his duties; providing for the designation of an acting City Manager under certain circumstances; establishing the City Manager as a position within the exempt service; redefining the powers and duties of the Office of the Mayor; and all matters related thereto.

- Alderman Arnett moved to withdraw CA-03-08. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for CA-04-08.

CA-04-08 For the purpose of amending the Charter of the City of Annapolis to establish the office of City Manager; establishing the prerequisite qualifications of the City Manager; providing for the appointment and termination of the City Manager; specifying the powers and duties of the City Manager; providing for the non-interference by the Mayor and Aldermen with the City Manager in the performance of his duties; providing for the designation of an acting City Manager under certain circumstances; establishing the City Manager as a position within the exempt service; redefining the powers and duties of the Office of the Mayor; and all matters related thereto.

- Alderman Arnett moved to adopt CA-04-08 on first reading, and to have CA-04-08 added to the October 27, 2008 Special Meeting Agenda for a public hearing. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

The order of the agenda was resumed.

ORDINANCES

O-11-08 For the purpose of prohibiting parking on unpaved surfaces in residential areas; and all other matters concerning parking on unpaved surfaces.

- Alderman Stankivic moved to withdraw O-11-08 on second reading. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for R-21-08.

R-21-08 For the purpose of establishing a fine for parking on unpaved surfaces on residential lots.

- Alderman Stankivic moved to withdraw R-21-08 on second reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

O-14-08 For the purpose of specifying that in making its funding recommendations for Community Grants as part of annual budget process, the Mayor and the Finance Committee shall numerically rank projects according to specified factors; and all other matters concerning Community Grants funding.

- Alderman Stankivic moved to adopt O-14-08 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-14-08.

- Alderman Arnett moved to amend O-14-08 as follows:

On page 1, in line 37, delete “D. Displays creative ways of helping people help themselves” Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwoman Hoyle, Aldermen Cordle, Arnett
NAYS: Alderwoman Finlayson, Aldermen Israel, Paone, Stankivic
DEFEATED: 4/4

- Alderman Arnett moved to amend O-14-08 as follows:

Amendment#1

On page 2, line 5, add: “F. Application will be independently reviewed and graded by the Office of Youth and Community Action according to the standards in section G.”

Amendment #2

On page 2, immediately following amendment 1, add: “G. Review and grading standards: i. Rationale: 10 points; ii. Description, i.e., that the goals, objectives, activities, and procedures are complete and clearly stated, methodology is appropriate, and long-term impact is clearly stated: 20 points; iii. Timeline is achievable and complete: 5 points; iv. Project evaluation and dissemination: 10 points; v. Budget is included that give detail as to expense and revenues: 10 points.” Seconded. CARRIED on voice vote.

- Alderman Israel moved to amend O-14-08 as follows:

On page 1, in line 37, insert after D. “ In appropriate circumstances” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-14-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Aldermen Israel, Paone, Cordle, Stankivic
NAYS: Alderwomen Hoyle, Finlayson, Arnett
CARRIED: 5/3

O-23-08 For the purpose of requiring non-profit organizations that receive funds from the City of Annapolis to provide quarterly (January/April/July/October) written accountings of their use of said funds to the City Council of the City of Annapolis; and all other matters concerning Community Grants funding.

- Alderman Arnett moved to adopt O-23-08 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-23-08.

- Alderman Israel moved to amend O-23-08 as follows:

In line 32, on the un-numbered first page after the word “to” add “the Finance Department and Office of Youth and Community Services. The Finance Department shall prepare a list of these reports and send the list to”. After the word “member” in the same line strike the “and”, put a “.” and add “From this list a member may request that the Finance Department promptly send the member one or more of the reports. Each non-profit organization which has submitted a quarterly report shall”. Seconded. CARRIED on voice vote.

- Alderman Cordle moved the amendments to O-23-08 as follows:

Amendment #1

On page 1, line 31, strike “(January/April/July/October) written accountings,” and substitute “reports within thirty days of the close of each quarter, which are September 30, December 31, March 31, and June 30.”

Amendment#2

On page 1, line 33, strike “(August/November),” and substitute “(September/February).” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Cordle moved to adopt O-23-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Arnett
NAYS: Aldermen Paone
CARRIED: 7/1

O-26-08 For the purpose of requiring non-profit organizations that receive funds from the City of Annapolis to provide semiannual (January/June) written accountings of their use of said funds to the City Council of the City of Annapolis; and all other matters concerning Community Grants funding.

- Alderman Cordle moved to withdraw O-26-08 on second reader. Seconded. CARRIED on voice vote.

O-37-08 For the purpose of specifying how vacated positions on the Art in Public Places Commission are filled; permitting the mayor and council to make temporary at-large appointments to the Art in Public Places Commission; classifying otherwise “ward-specific” positions as “at-large” for the duration of the appointment term; and all other matters concerning the Art in Public Places Commission.

- Alderwoman Hoyle moved to adopt O-37-08 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

O-38-08 For the purpose of updating the City of Annapolis' recycling code so as to reflect changes in recycling practices; establishing and permitting commercial recycling in the City of Annapolis; and all other matters concerning residential and commercial recycling.

- Alderman Stankivic moved to adopt O-38-08 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing & Human Welfare Committee.

O-39-08 For the purpose of extending the closing time for wine bars in the MX Zone to midnight seven days a week; and all other matters concerning wine bars in the MX Zone.

- Alderman Israel moved to adopt O-39-08 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee and the Planning Commission.

O-40-08 For the purpose of changing the effective date for the "display provision" for the sale of lawn fertilizer by retailers in the City of Annapolis; and all matters related to the sale and application of lawn fertilizer.

- Alderman Stankivic moved to adopt O-40-08 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters and Housing & Human Welfare Committee.

O-41-08 For the purposes of: (1) Adopting a recommendation of the Annapolis Maritime Advisory Commission to amend Title 15 so as to allow housebarges of not more than 60 feet in length to be kept in marinas for purposes of display and sale within maritime zoning districts while retaining the one month limitation for housebarges over 60 feet in length; (2) Establishing a permit procedure for housebarges so that the City has notice of their presence in marinas in order to ensure compliance with the requirements of the City Code; (3) Establishing additional standards for housebarges to ensure that housebarge uses are consistent with permitted uses applicable to the zoning districts and lots where housebarges are located; (4) Amending Title 17 so as to permit housebarges to be rented, similar to bed and breakfast homes, so long as all requirements of the City Code are met; and, (5) Amending Title 15 to ban incinerating toilets on vessels while within City waters given health and safety concerns, including proper ash disposal and the proximity of attendant exhaust to nearby residential, downtown commercial, and outdoor dining areas.

- Alderman Stankivic moved to adopt O-41-08 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters and Environmental Committee and Maritime Advisory Commission.

RESOLUTIONS

R-32-08 For the purpose of enhancing program offerings at Chesapeake Children's Museum to better serve the community's needs, particularly for multicultural understanding.

- Alderwoman Hoyle moved to adopt R-32-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Stankivic, Arnett
NAYS:
CARRIED: 8/0

R-39-08 For the purpose of creating a Blue Ribbon Commission to study the merits of the various forms of government, including strong mayor and weak mayor systems, mayoral or city manager forms of government in the City of Annapolis, and make recommendations to the City Council; and all matters relating to said commission.

- Alderwoman Finlayson moved to postpone R-39-08 on second reading. Seconded. CARRIED on voice vote.

R-41-08 For the purpose of declaring the month of October as the National Arts and Humanities months in the City of Annapolis.

- Alderman Arnett moved to adopt R-41-08 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-41-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Stankivic, Arnett
NAYS:
CARRIED: 8/0

R-53-08 For the purpose of creating a Task Force to examine the economic impact of the arts and culture on the Annapolis economy; and all matters relating to said Task Force.

- Alderwoman Finlayson moved to adopt R-53-08 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-53-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Arnett
NAYS: Aldermen Stankivic
CARRIED: 7/1

R-42-08 For the purpose of declaring the City of Annapolis' support of the MML Geocache Trail.

- Alderwoman Hoyle moved to adopt R-42-08 on first reading. Seconded. CARRIED on voice vote.

R-43-08 For the purpose of authorizing the filing of an application with the Mass Transit Administration of the Maryland Department of Transportation for a grant under Sections 5307, 5309, 5310, and/or 5311 grant under the Federal Transit Act.

- Alderman Arnett moved to adopt R-43-08 on first reading. Seconded. CARRIED on voice vote.

Legislative and Policy Analyst Zirkle was present and answered questions from Council.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-43-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Arnett

NAYS:

CARRIED: 8/0

R-44-08 For the purpose of endorsing the re-designation of the Clay Street Neighborhood as a Community Legacy Area; and approving the application and receipt of financing for Community Legacy Plans and Community Legacy Projects in Annapolis to be financed by the State of Maryland.

- Alderman Arnett moved to adopt R-44-08 on first reading. Seconded. CARRIED on voice vote.

Legislative and Policy Analyst Zirkle was present and answered questions from Council.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-44-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Arnett

NAYS:

CARRIED: 8/0

R-45-08 For the purpose of approving the new job description for the Election/Boards and Commission Administrator position in the Office of Law.

- Alderwoman Hoyle moved to adopt R-45-08 on first reading. Seconded. CARRIED on voice vote.

R-46-08 For the purpose of reclassifying the job of Transportation Parking/Grants Coordinator to Transportation Grants Specialist in the Department of Transportation.

- Alderman Arnett moved to adopt R-46-08 on first reading. Seconded. CARRIED on voice vote.

R-47-08 For the purpose of approving the new job description for the Recreation Manager at the Stanton Center.

- Alderman Arnett moved to adopt R-47-08 on first reading. Seconded. CARRIED

on voice vote.

R-48-08 For the purpose of approving the new job description for the Dance and Fitness Coordinator position.

- Alderman Arnett moved to adopt R-47-08 on first reading. Seconded. CARRIED on voice vote.

R-49-08 For the purpose of approving the new job description for the Hispanic Community Liaison position.

- Alderman Arnett moved to adopt R-49-08 on first reading. Seconded. CARRIED on voice vote.

R-50-08 For the purpose of approving the new job description for the External Affairs Officer position.

- Alderman Arnett moved to adopt R-50-08 on first reading. Seconded. CARRIED on voice vote.

R-51-08 For the purpose of establishing an annual permit fee for bargehouses kept in City waters.

- Alderman Arnett moved to adopt R-51-08 on first reading. Seconded. CARRIED on voice vote.

R-52-08 For the purpose of creating a Committee to develop an informed and complete vision of a City Gateway along the Outer West Street corridor; and all matters relating to said Committee.

- Alderman Arnett moved to adopt R-52-08 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderman Arnett moved the approval the Mayor's appointment of the following individuals:

10/13/08 Civil Service Robert R. Penaloza

10/13/08 Parking Advisory Commission Marc Lucas

10/13/08 Historic Preservation Commission Timothy P. Leahy

10/13/08 Historic Preservation Commission Sharon A. Kennedy

Seconded. CARRIED on voice vote.

2. Budget revisions

- Seven budget revisions- GT-8-09, GT-2-09, GT-3-09, GT-4-09, GT-5- 09, GT-7- 09, GT-9-09
- Alderwoman Hoyle moved to approve budget amendments GT-8-09, GT-2-09, GT-3-09, GT-4-09, GT-5- 09, GT-7- 09, GT-9-09. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:17 p.m.

City Clerk